

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAIME GODOY,

Plaintiff,

-against-

Docket No.: 15-CV-00868
(JFB) (SIL)

ANSWER

PLANDOME COUNTRY CLUB, INC.,

Defendant.
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Defendant, PLANDOME COUNTRY CLUB, INC., by its attorneys, MIRANDA SAMBURSKY SLONE SKLARIN VERVENIOTIS LLP, answering the plaintiff's complaint ("the complaint"):

ANSWERING THE FIRST CAUSE OF ACTION

1. Denies each and every allegation contained in paragraph "1" of the complaint.
2. Denies each and every allegation contained in paragraph "2" of the complaint.
3. Admits each and every allegation contained in paragraph "3" of the complaint.
4. Admits each and every allegation contained in paragraph "4" of the complaint.
5. Denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of the complaint.
6. Admits each and every allegation contained in paragraph "6" of the complaint.

7. Admits each and every allegation contained in paragraph “7” of the complaint.

8. Admits each and every allegation contained in paragraph “8” of the complaint.

9. Denies each and every allegation contained in paragraph “9” of the complaint.

10. Denies having knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph “10” of the complaint.

11. Denies each and every allegation contained in paragraph “11” of the complaint.

12. Denies each and every allegation contained in paragraph “12” of the complaint.

13. Denies each and every allegation contained in paragraph “13” of the complaint.

14. Denies each and every allegation contained in paragraph “14” of the complaint.

15. Denies each and every allegation contained in paragraph “15” of the complaint.

16. Denies each and every allegation contained in paragraph “16” of the complaint.

17. Denies each and every allegation contained in paragraph “17” of the complaint.

18. Denies each and every allegation contained in paragraph “18” of the complaint.

19. Denies each and every allegation contained in paragraph “19” of the complaint.

20. Denies each and every allegation contained in paragraph “20” of the complaint.

21. Denies each and every allegation contained in paragraph “21” of the complaint.

22. Denies each and every allegation contained in paragraph “22” of the complaint.

23. Admits each and every allegation contained in paragraph “23” of the complaint.

24. Admits each and every allegation contained in paragraph “24” of the complaint.

25. Denies each and every allegation contained in paragraph “25” of the complaint.

26. Admits each and every allegation contained in paragraph 26” of the complaint.

27. Denies each and every allegation contained in paragraph “27” of the complaint.

28. Denies each and every allegation contained in paragraph “28” of the complaint.

29. Denies each and every allegation contained in paragraph “29” of the complaint.

30. Denies each and every allegation contained in paragraph “30” of the complaint.

31. Denies each and every allegation contained in paragraph “31” of the complaint.

32. Denies each and every allegation contained in paragraph “32” of the complaint.

33. Admits each and every allegation contained in paragraph “33” of the complaint.

34. Denies each and every allegation contained in paragraph “34” of the complaint.

35. Denies each and every allegation contained in paragraph “35” of the complaint.

36. Admits each and every allegation contained in paragraph “36” of the complaint.

37. Denies each and every allegation contained in paragraph “37” of the complaint, and begs leave to refer to the documents for their import.

38. Denies each and every allegation contained in paragraph “38” of the complaint.

39. Denies each and every allegation contained in paragraph “39” of the complaint.

40. Denies each and every allegation contained in paragraph “40” of the complaint.

ANSWERING COUNT I

41. Admits each and every allegation contained in paragraph “41” of the complaint.

42. Admits each and every allegation contained in paragraph “42” of the complaint.

43. Admits each and every allegation contained in paragraph “43” of the complaint.

44. Admits each and every allegation contained in paragraph “44” of the complaint.

45. Denies each and every allegation contained in paragraph “45” of the complaint.

46. Denies each and every allegation contained in paragraph “46” of the complaint.

47. Denies each and every allegation contained in paragraph “47” of the complaint.

48. Denies each and every allegation contained in paragraph “48” of the complaint.

ANSWERING COUNT II

49. Admits each and every allegation contained in paragraph “49” of the complaint.

50. Admits each and every allegation contained in paragraph “50” of the complaint.

51. Admits each and every allegation contained in paragraph “51” of the complaint.

52. Denies each and every allegation contained in paragraph “52” of the complaint.

53. Denies each and every allegation contained in paragraph “53” of the complaint.

54. Denies each and every allegation contained in paragraph “54” of the complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AND COMPLETE AFFIRMATIVE DEFENSE

55. The complaint fails to state a claim upon which relief may be granted as to one or both causes of action.

AS AND FOR A SECOND AND COMPLETE AFFIRMATIVE DEFENSE

56. Plaintiff was exempt from overtime compensation during all or part of his time of employment.

AS AND FOR A THIRD AND COMPLETE AFFIRMATIVE DEFENSE

57. Defendant at all times acted in good faith and with a reasonable belief that plaintiff was not entitled to overtime pay.

AS AND FOR A FOURTH AND COMPLETE AFFIRMATIVE DEFENSE

58. Plaintiff has failed to satisfy all conditions precedent to suit.

AS AND FOR A FIFTH AND COMPLETE AFFIRMATIVE DEFENSE

59. Plaintiff is not entitled to recover attorneys' fees as to some or all of his claims.

AS AND FOR A SIXTH AND COMPLETE AFFIRMATIVE DEFENSE

60. Plaintiff has failed to mitigate damages.

AS AND FOR A SEVENTH AND COMPLETE AFFIRMATIVE DEFENSE

61. Some or all of plaintiff's claims are barred by the relevant statute of limitations.

AS AND FOR A EIGHTH AND COMPLETE AFFIRMATIVE DEFENSE

62. Plaintiff was paid at or above the legally required rate for all hours worked.

AS AND FOR A NINTH AND COMPLETE AFFIRMATIVE DEFENSE

63. The Court lacks or should decline to exercise, supplemental/pendant jurisdiction over those claims asserted under the laws of the State of New York.

WHEREFORE, defendants request judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: Mineola, New York
July 10, 2015

MIRANDA SAMBURSKY SLONE
SKLARIN VERVENIOTIS, LLP
Attorneys for Defendant
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/s
Michael A. Miranda, Esq.(MAM 6413)

TO: (ECF All Counsel of Record)